



भारत का राजपत्र

The Gazette of India

प्रकाशित से प्रकाशित
PUBLISHED BY AUTHORITY

वं. 27]

नई दिल्ली, शनिवार, अक्टूबर 19, 1985/आश्विन 27, 1907

No. 27]

NEW DELHI, SATURDAY, OCTOBER 19 1985/ASVINA 27, 1907

इस भाग में भिन्न प्रकाशनों की जारी है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—प्रान्त (III)
PART II—Section 3—Sub-section (III)

(संघ राज्य के अधिकारियों को छोड़कर) केंद्रीय अधिकारियों द्वारा जारी किए गए आदेश और अधिसूचनाएँ
Orders and Notifications issued by Central Authorities (other than Administrations of Union
Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 9 सितम्बर, 1985

आदेश

आ. अ. 73—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट गोवा, वसन
और दीब विधान सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र स हुआ है, स्तम्भ (4) में उसके सामने
विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अध्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदोन बनाए गए नियमों द्वारा अपेक्षित
उक्त सारणी के स्तम्भ (5) में यथा उपदर्शित रूप में अपने निर्वाचन व्ययों का लेखा दाखिल करने में अवकल रहा है ;

और उक्त अध्यर्थियों ने सम्बूद्ध सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई भारण अथवा स्पष्टोरण
नहीं दिया है परं उनके द्वारा दिये गए अभ्यावेदनों पर, यदि वोई हों, विचार दारने वे पश्चात् निर्वाचन आयोग का यह समाधान
हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त दारण या न्यायोचित नहीं है ;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की द्वारा 10-के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट
यदितयों को संसद : f. सी. भी सदन के या f. सी. राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के
लिए इस अदेश की तारीख से तीन वर्ष की शालावधि के लिए निरहित घोषित करता है ।

मारणी

क्र. सं.	निर्वाचन का विवरण	क्र. सं. और निर्वाचन—श्वेत का नाम	निर्वाचन लड़ने काले अध्यर्थी का नाम व पता	निरहता का कारण
(1)	(2)	(3)	(4)	(5)
13.	गोवा, दमन और दीप विधान सभा का साधारण निर्वाचन 1984	8—पले	श्री पुतु जयदेव मोराजकार, संक्षेलिम काशपुर कोलमवाडा (गोवा)	विधि द्वारा वांछित कोई भी नेतृत्व दाखिल करने में असफल रहे।
14.	तदैव	3—सियोलिम	श्री डॉसूजा जोहान सुक्तान विठ्ठल, अटटी बाईम अस्तागावो बारडेज, गोवा	तदैव
15.	तदैव	तदैव	श्री गोरागावकर सुभाष रघुनाथ, तारखी भाट सियोलिम बारडेज, गोवा	तदैव
16.	तदैव	तदैव	श्री बालागुटकर शाम पुण्डेलिक, 248-फर्नेंडीज बाड्डो, सियोलिम (गोवा)	विधि द्वारा वांछित रूप में नेतृत्व दाखिल करने में असफल रहे।

[सं. 76/गोवा/85(13-16)]

ELECTION COMMISSION OF INDIA
ORDERS

New Delhi, the 9th September, 1985

O.N. 73.—Whereas the Election Commission is satisfied that each of the contesting candidate specified in column (4) of the Table below at the General Election to the Goa, Daman & Diu Legislative Assembly as specified in column (2) and held from the Constituency specified in column (3) against his name has failed to lodge the account of his election expenses as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

TABLE

S.No.	Particulars of Election	Sl.No. & Name of the Constituency.	Name & Address of the Contesting Candidate	Reason for Dis- qualification
(1)	(2)	(3)	(4)	(5)
13.	General Election to the Goa, Daman and Diu Legislative Assembly, 1984	8-Pale	Shri Putu Jaidev Morajkar, Sanquelim Karapur Kolamvada (Goa).	Failed to lodge any account of election expenses required by law.
14.	-do-	3-Sioli	Shri D'Sauza Johan Suntan Vithal Atto Badem Assagaon Bardez, Goa	-do-
15.	do-	-do-	Shri Korgaoker Subhash Raghunath, Tarchi Bhat, Sioli Bardez, Goa	-do-
16.	-do-	-do-	Shri Kalangutkar Sham Pundolik, 248-Fernandes, Waddo Sioli, Goa	Failed to lodge the account of election expenses in the manner required by law.

[No. 76/GOA/85(13-16)]

आ. अ. 74—निर्वाचित आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट विधान सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से है, स्तम्भ (4) में उसके लाभने विनिर्दिष्ट निर्वाचित लड़ने वाला प्रत्येक अभ्यर्थी, लो. प्रतिनिधित्व अधिनियम, 1951 तथा नदान बनाए गए नियमों द्वारा अनेक उक्त सारणी के स्तम्भ (5) में यथा उपदर्शित रूप में अपने निर्वाचित व्यापार कोई भी लेखा दाखिल करने में असफल रहा है;

अंतर उक्त अभ्यर्थियों ने सम्यक् सूचना दिये जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिये गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचित आयोग या यह समाधा न हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायानुचित नहीं है;

अतः अब, निर्वाचित आयोग उक्त अधिनियम की धारा 10-व अनुमत्रण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट अधिकारियों को संतुष्ट के लिए भी सदत के या उसी राज्य की विधान सभा अथवा विधान परिषद के वदस्थ चुने जाने और होने के लिए इस अंदेश की वारीबाट में तीन वर्ष की कालावधि के लिए निहित घोषित होता है।

सारणी

क्र. सं. निर्वाचित आयोग विधान सभा निर्वाचित क्षेत्र निर्वाचित लड़ने वाले अभ्यर्थी का नाम व की क्र. सं. और नाम पता				निरहंता का आरण
(1)	(2)	(3)	(4)	(5)
1— महाराष्ट्र विधान सभा का साधारण निर्वाचन— 1985	191—वैजापुर	श्री अशोक मुरलिधर आधे, मेनेगांव कानकद, डाकघर लेमतगांव, तालुक वैजापुर, महाराष्ट्र।	निर्वाचित खाची के लेखे दाखिल करने में असमर्थ रहे।	
2— तदैव	192—गंगापुर	श्री चन्द्रकांत, लक्ष्मण जाधव, स्थान और डाकघर लासुर स्टेशन, तालुक गंगापुर	—तदैव—	
3— तदैव	—तदैव—	श्री देवीश जयराम घिवार, स्थान घमोरि (केएच) डाकघर लासुर स्टेशन, तालुक गंगापुर	विधिवत रूप से निर्वाचित खाची के लेखे दाखिल करने में असमर्थ रहे।	
4— तदैव	193—ओरंगाबाद (पश्चिम)	श्री रमेश छवन राव मुराधर, 52/1 मिद्दोवर चिलिंग, समरथ नगर, ओरंगाबाद	निर्वाचित खाची के लेखे दाखिल करने में असमर्थ रहे।	
5— तदैव	194—ओरंगाबाद (पूर्व)	श्री कच्चुर गोविन्दराव, स्थान ओर डाकघर पलंगा (पाहर) बाजा हरसूल, महाराष्ट्र	—तदैव—	
6— तदैव	—तदैव—	श्री चिंगोर मोतीराम नाथेड, म. न. 5 20-111, पैथन गेट, ओरंगाबाद, महाराष्ट्र	—तदैव—	
7— तदैव	277—शिरोल	श्री चौधुरे कल्लपा गुनडू, स्थान ओर डाकघर अर्जुनवाडा, तालुक शिरोल (महाराष्ट्र)	—तदैव—	
8— तदैव	282—संगमेश्वर	श्री राजावह शान्ता राम नाथ, 28, बम्बई-पुणे-रोड, गिरवाजो नगर, पुणे-5	—तदैव—	

(1)	(2)	(3)	(4)	(5)
9— महाराष्ट्र विधान सभा वा साधारण निवाचन, 1985	279-दालगांध (अ. जा.)	श्री देवेंद्र डॉ. एस., डिक्को-स्पिन (डत्तर), निवाचन ब्लॉक वे: लेखे दाखिल डा. अम्बेदकर नगर, नवीन बंसाहत, नारने में अभ्यर्थ रहे। इचल नरनजि (महाराष्ट्र)		
10— -तदेव-	280-शाहुवाडी	श्री पाटिल केशव कोतडि, स्थान और डा. घर कोटिले, तालुक शाहुवाडी (महाराष्ट्र)	-तदेव-	
11— -तदेव-	281-पनहाला	श्री शिवांडे सुरेश हरिशचन्द्र, स्थान और डा. काकधर कुम्भवाडे तालुक विभावांधि, जिला सिंधुदुर्ग (महाराष्ट्र)	-तदेव-	
12— -तदेव-	283-राधानगरी	श्री केस्वले भियल नाना, म. न. 254-ई, उमेदपुर, कोल्हापुर, महाराष्ट्र	-तदेव-	
13— -तदेव-	286- कागल	श्री पण्डे छुणा शंकर जगनारायन, 28, बम्बई-पुना रोड, शिवाजीनगर पुणे-5 (महाराष्ट्र)	-तदेव-	
14— -तदेव-	288- घांगाड	श्री दावहेडे गुलाब नामदेव, डाकधर भोसलवाडि, बम्बई-पुणे रोड, शिवाजीनगर, पुणे-5 (महाराष्ट्र)	-तदेव-	

[सं. 76/महाराष्ट्र/85 (1-14) (वि. स.)]

O.N. 74.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after

due notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this Order.

TABLE

S.No.	Particulars of Election	S.No. & Name of the Constituency	Name & Address of the Contesting Candidate	Reason for Disqualification
(1)	(2)	(3)	(4)	(5)
1.	General Election to the Maharashtra Legislative Assembly, 1985	191-Vaijapur	Shri Ashok Murlidhar Ighe, Malogaon Kannad, Post Lamangaon, Taluka Vaijapur (Maharashtra)	Failed to lodge any account of election expenses.
2.	-do-	192-Gangapur	Shri Chandrakant Laxaman Jadhav -do- At & Post Lasur Station, Taluka Gangapur	

1	2	3	4	5
3.	General Election to the Maharashtra Legislative Assembly, 1985.	192-Gangapur	Shri Devidas Jairam Dhiwar, At Dhamori (Kh.) Post Lasur Station, Taluka Gangapur.	Failed to lodge the account of election Expenses in the manner required by law.
4.	-do-	193-Aurangabad (West)	Shri Ramesh Chhabanrao Suradkar, 52/1, Sidheshwar Building, Samarthnagar, Aurangabad.	Failed to lodge any account of election expenses.
5.	-do-	194-Aurangabad (East)	Shri Kachru Govindrao, At post palshi (city) Via Harshul (Maharashtra)	-do-
6.	-do-	-do-	Prof. Kishore Motiram Narwade, H.No. 5-20-111, Paithan Gate, Aurangabad (Maharashtra)	-do-
7.	-do-	277-Shiroli	Shri Chaugule Kallappa Gundu, At & Post, Arjunwad, Taluka Shiroli (Maharashtra).	-do-
8.	-do-	279-Vadgaon (SC)	Shri Done D.S. Decco-Spin (North) Dr. Ambedkar Nagar, Navin Vasahat Ichalkaranji (Maharashtra)	-do-
9.	-do-	280-Shahuwadi	Shri Patil Keshav Kondi, At post Kotoli, Taluka Shahuwadi (Maharashtra).	-do-
10.	-do-	281-Panshala	Shri Shinde Suresh Harishchandra At and Post Kumbhawadei, Taluka Vaibhadi, District Sindhudurg, (Maharashtra).	-do-
11.	-do-	282-Sangrul	Shri Ranavade Shantaram Nathu, 28, Bombay-Pune Road, Shivaji Nagar, Pune-5.	-do-
12.	-do-	283-Radhanagari	Shri Kamble Vithal Nana, House No. 254-E, Umedpuri, Kolhapur (Maharashtra)	-do-
13.	-do-	286-Kagal	Shri Pande Krishna Shankar Jaganarayan, 28, Bombay-Poona Road, Shivajinagar, Pune-5(Maharashtra)	-do-
14.	-do-	288-Chandgad	Shri Dabhade Gulab Namdeo, At Post Bhosalewade, Bombay-Pune Road, Shivaji Nagar, Pune-5 (Maharashtra)	-do-

[No. 76/MT/85/1-14(LA)]

आ. अ. 75:—निवाचित आयोग का समाप्तान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट लोक सभा के निवाचित के लिए जो स्तम्भ (3) में विनिर्दिष्ट निवाचित-क्षेत्र नहीं है, स्तम्भ (4) में उसके ग्रामने विनिर्दिष्ट निवाचित लड़ने वाला प्रत्येक अध्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा उपदर्शित रूप में अपने निवाचित व्ययों का कोई भी लेंगा दाखिल करने में अवकल रहा है;

अर्थात् उक्त अध्याधियों ने सम्यक् सूचना दिए जाने पर भी उक्त अकान्ता के लिए या तो कोई अपेक्षा संष्टीरण नहीं दिया है तो उनके हारा दिये गए अध्यावेदनों पर, यदि कोई हो, विचार भरने के पश्चात् निर्वाचन अपेक्षा का यह समाधान हो गया है कि उनके पास उक्त अंतर्कलता के लिए कोई पर्याप्त अरण या व्यायोचित्य नहीं है;

अतः अब, भिन्नाभिन्न आयीग उक्त अधिनियम की धारा 10-ए के अनुकरण में नीच की सारणी के स्तम्भ (4) में विनिर्दिष्ट वर्गितयों को संदर्भ में विसी भी रद्द के या विसी गत्य की विधान सभा अथवा विधान परिषद के दस्त्य चुने जाने और होने के लिए इस अदेश की हारीख ने तीन वर्ष की दृत्यावधि के लिए तिरहित घोषित दस्ता है।

सारणी

क्र.सं.	निवाचित का विवरण	संसदीय निवाचित -क्षेत्र की क्र. सं. और नाम	निवाचित लड़ने वाले नाम य पता	अमर्थी वा निरहूता वा नाम
1	2	3	4	5
6.	लोह सभा धा राधारण निवाचित, 1984 (महाराष्ट्र)	3- कोलाबा	श्री. विलास टुपे, 1254, कासबा पेठ, पुणे, महाराष्ट्र	निवाचित खर्चा के लिये वाखिल लड़ने में अंतर्मय रहे।
7.	-तर्दैव-	5- बम्बई दक्षिण केन्द्रीय	श्री मन्थरे दिशन आनन्द, 13/77, एग्रिपाडा, बी. आई. टी. चावल, बाइकुल्ला, बम्बई-400011	-तर्दैव-
8.	-तर्दैव-	6- बम्बई उत्तर केन्द्रीय	श्री विमित मासू संगर, 605/18, सुहावनगर - 11 शेल कालोनी रोड, चेम्बूर बम्बई- 400071	-तर्दैव-
9.	-तर्दैव-	-तर्दैव--	श्री माधव देशपांडे, 7 कौस्तुभा धाम, 23- संघानी एस्टेट, घाट-कोपार(पश्चिम) बम्बई- 400086	-तर्दैव-
10.	-तर्दैव-	7- बम्बई उत्तर पूर्व	श्री नवाब सेयद मोहम्मद, 11/1, प्रतीका नगर, भकोडा ब्रीज, मूलतांडवरोड मान्ताकुज (पूर्व) बम्बई-400053	-तर्दैव-
11.	-तर्दैव-	-तर्दैव-	श्री फराही अब्दुल गारी नैमूहा, ई- 3 नवजीवा बिल्डिंग, ए. एच. बादिया मार्ग, न्यू हिल रोड, कुरला (पश्चिम) बम्बई- 70	-तर्दैव-
12.	-तर्दैव-	-तर्दैव-	श्री बुलतराव ऊळि, उळि निवास, महाराष्ट्र नगर, भानहुप, बम्बई-400078	-तर्दैव-
13.	-तर्दैव-	8- बम्बई-उत्तर पश्चिम	श्री अब्दूल नवी उरिम, गिलवर्ट हिल, फॉन. - 141, अंधेरी पश्चिम, बम्बई- 400058	-तर्दैव
14.	-तर्दैव-	-तर्दैव-	श्री चिन्तना सत्यानाथन लाजूरस, '83- रास्ता पेठ, पुणे- 411011. (महाराष्ट्र)	-तर्दैव-

1	2	3	4	5
15.	सोक सभा का साधारण निर्वाचन 1984 (महाराष्ट्र)	8—बम्बई उत्तर पश्चिम	श्री चंधरी उसमत पानी, 11 शफि मौजिल निर्वाचन खंडे दाखिल करने 257, एस. बी. रोड, बांद्रा, बम्बई— 400050	में असमर्थ रहे।
16.	—तदैव—	—तदैव—	श्री पी. टी. अहिरे, 3/31, वादामाई नौरोजी नगर पार्ट-1, अंधेरी (पश्चिम) बम्बई-58	—तदैव—
17.	—तदैव—	—तदैव—	श्री विजय कुमार विपाठी, (तिवारी), 75- रोय हाऊप, सी.डी. बर्फीवाला— मार्ग, (जूह लेन), अंधेरी, (पश्चिम), बम्बई-400058	—तदैव—
18.	—तदैव—	9—बम्बई उत्तर	श्री कान्ति भाई, शकर भाई पटेल, जी. एल. पटेल चावल क. न. 15, धनजीवादि, रानी सति मार्ग, बम्बई सं. 97	—तदैव—
19.	—तदैव—	—तदैव—	श्री चन्द्रशेखर सी.राम जुन्नारकर, हेवा हीरा महल, युसूफ चौक श्री चावल 12/4 दफनरी रोड, हाईवे के पास मार्ग (पश्चिम) बम्बई-97	—तदैव—
20.	—तदैव—	—तदैव—	श्री जगदीश चन्द्र खण्डेलवाल 14 संधाम, पोद्वार पार्क (पूर्व) बम्बई-97	—तदैव—
21.	—तदैव—	—तदैव—	श्री सेखवत मोर्सिंह नरायणसिंह लालचन्द सैठ चावल टी 22 जानु कंपा उण्ड मालद (पूर्व) बम्बई-400097	—तदैव—
22.	—तदैव—	—तदैव—	श्री एस०के० सिंह 10, हीरा कुंड द्वितीय तल स्टेशन रोड, गोरेगांव (पूर्व), बम्बई-400063	—तदैव—
23.	—तदैव—	16—इरन्दोल	श्री नन्नाचार दिग्म्बर अभसित नुतन मराठा विद्यालय जलिहा पेठ, जलगांव तालुका, जलगांव, जिला जलगांव	—तदैव—
24.	—तदैव—	—तदैव—	श्री प.टिल धनराज भादु खारदे बीके तालुका एरानडल, जिला जलगांव (महाराष्ट्र)	—तदैव—
25.	—तदैव—	—तदैव—	श्री बापुसाहेब खानदु नवल पाटिल, दूलपिमप्रो तालुका पेरोल, जिला जलगांव महाराष्ट्र	विधिवत रूप से निर्वाचन खंडों के लिये दाखिल करने में असमर्थ रहे।
26.	—तदैव—	17—जलगांव	श्री पाटिल सुरेश वर्यमबन, 290-नरेन्द्र भवन, नवी पेठ जलगांव, (महाराष्ट्र)	निर्वाचन खंडों के लिये दाखिल करने में असमर्थ रहे।
27.	—तदैव—	—तदैव—	श्रीभूकर बारसू कोलही, भालमें तालुक एरानडल, जिला जलगांव (महाराष्ट्र)	—तदैव—

1	2	3	4	5
28.	लोक सभा का साधारण निर्वाचन 1984 (महाराष्ट्र)	17—जलगांव	श्री शेर अलि हाजी अशफे अलि 238 बालाजी पेठ जलगांव तालुक और जिला जलगांव	निर्वाचन खाचों के वाखिल करने में असमर्थ रहे।
29.	—तदैव—	—तदैव—	श्री सासुनखे गोकुल बाबुराव शाह नगर तालुक और जिला जलगांव महाराष्ट्र	—तदैव—
30.	—तदैव—	—तदैव—	श्री शुभिद वजिर तदवि लिजना काटेज, टेलिकोन नगर गिराना वाटर टैक के पास, जिला जलगांव महाराष्ट्र	—तदैव—
31.	—तदैव—	24—भन्दारा	श्री भगवत बलिराम मार्फत मुरेश वासनिक रेलवे गेट, बांधि भन्दारा रोड	—तदैव—
32.	—तदैव—	27—वधा	श्री थाकर आनन्दराव गोपालराव सिन्धि (माध्ये) वाह नं० 4 वधा महाराष्ट्र	—तदैव—
33.	—तदैव—	28—यवतमाल	श्री जाधो भीमराव लिमबाजी मलहिवार पोस्ट कोनदारी तालुक दिगार स जिला यवतमाल (महाराष्ट्र)	—तदैव—
34.	—तदैव—	31—परभनी	श्री हमीद खान जब्बर खान पोस्ट बादवानी तालुक मजलेगांव जिला भिर (महाराष्ट्र)	—तदैव—
35.	—तदैव—	44—सतारा	श्री दुपेट रम्यनाथ बसवंत 41 गुरुबार पेठ सतारा शहर महाराष्ट्र	—तदैव—
36.	—तदैव—	45—कराड	श्री देशपांडे दीपक शिवराम स्थान और डाकघर-रिंगांव तालुक जावलि जिला सितारा, महाराष्ट्र	—तदैव—
37.	—तदैव—	—तदैव—	श्री पतनकर मधुकर कुल्ला स्थान और डाकघर एनेवादि तालुक जावलि, जिला सतारा महाराष्ट्र	—तदैव—

[सं० 76/महा०/85 (6-37) (लोक सभा)]

आदेश से,

ज०सी० चौधरी, अवर सचिव

O.N. 75.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or jurisdiction for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

TABLE

SlNo.	Particulars of election	Sl.No. & Name of the Parliamentary Constituency	Name & address of the contesting candidate	Reason for disqualification
1	2	3	4	5
6.	General Election to the House of the People, 1984 (Maharashtra State)	3-Kulaba	Shri Vilas Tupe. 1254, Kasba Peth, Pune (Maharashtra)	Failed to lodge any account of election expenses.
7.	-do-	5-Bombay South Central.	Shri Mandhare Kisan Ananda 13/77, Agripada B.J.T. Chawl, Byculla, Bombay-400011.	-do-
8.	-do-	6-Bombay North Central	Shri Bipin Mamu Sangar. 605/18, Sahakar Nagar-II, Shell Colony Road, Chembur, Bombay-400071.	-do-
9.	-do-	-do-	Shri Madhav Deshpande. 7, Kaustubha Dham, 23-Sanghani F state, Ghat-Kopar (West) Bombay-400086.	-do-
10.	-do-	7-Bombay North East	Shri Nawab Sayyed Mohammed. 11/1 pratiksha Nagar Valoka Bridge, Voolstra Road Santracruz (East) Bombay-400053.	-do-
11.	-do-	-do-	Shri Farroki Abdul Bari Naimullah, E-3, Navjivan Bldg. A.H. Wadia Marg, New Hill Road, Kurla (West), Bombay-70.	-do-
12.	-do-	-do-	Shri Vasantrao Unde, Unde, Niwas Maharashtra Nagar. Bhandup, Bombay-400078.,	-do-
13.	General Election to the House of the People, 1984- (Maharashtra State). (Maharashtra State).	8-Bombay West	Shri Abdul Nabi Karim. Gilbert Hill, R.No. 141 Andheri (West) Bombay-400078.	-do-
14.	-do-	-do-	Shri Chinnappa Sathyanathan Lazurs, 83-Rasta Peth, Pune-411011 (Maharashtra)	-do-
15.	-do-	-do-	Shri Chawdhary Usmangani. 11, Shafi Manzil, 275, S.V. Road, Bandra, Bombay-400050.	-do-
16.	-do-	-do-	Shri P.T. Ahire, 3/31, Dadabhai Naoroji Nagar Part-I, Andheri (West), Bombay-58.	-do-

1	2	3	4	5
17.	General Election to the House of the People, 1984 (Maharashtra State)	Bombay West	Shri Vijay Kumar Tripathi (Tiwari). Failed to lodge any account of election expenses. 75-Ruia House, C.D. Barfiwala Marg. (Juhu Lane), Andheri (West), Bombay-400058.	
18.	-do-	9-Bombay North	Shri Kantibhai Shankarbhai Patel, G.L. Patel Chawl, R.No. 15, Dhanjiwadi, Rani Shti Marg, Bombay No. 97	-do-
19.	-do-	-do-	Shri Chandrashekhar Sitram Junnarkar, Hava Hira Mahal, Yusuf Chokshi Chawl, 12/4, Dastry Road, Near Highway, Malad(East), Bombay-97.	-do-
20.	-do-	-do-	Shri Jagdishchandra Khandelwl, 14, Saidham, Poddar Park Malad (East), Bombay-97.	-do-
21.	-do-	-do-	Shri Shekhawat Mobsingh Narayansingh, Lalchand Shethi Chawl T-22, Janu Compound Malad (East), Bombay-400097.	-do-
22.	-do-	-do-	Shri S.K. Singh. 10, Hira Kunj, Second Floor, Station Road, Goregaon (East), Bombay No. 400063.	-do-
23.	-do-	16-Erandol	Shri Nannawara Digambar Avhite Near Nutan Maratha Vidyalaya, Jliha Peth, Jalgaon.	-do-
24.	-do-	-do-	Taluka-Jalgaon, District Jalgaon. Shri Patil Dhanraj Bhadu, Kharde BK, Taluka-Erandol, District-Jalgaon, Maharashtra.	-do-
25.	-do-	-do-	Shri Bapusabeh Khandu Naval Patil, Dhulpimpri, Taluka Parola, District Jalgaon, Maharashtra.	Failed to lodge the account of election expenses in the manner required by law.
26.	-do-	17-Jalgaon	Shri Patil Suresh Trayambak, 290-Narendra Bhawan, Navi Peth, Jalgaon (Maharashtra)	Failed to lodge any account of election expenses.
27.	-do-	-do-	Shri Madhukar Barsu Kolhe, Valve, Taluka Erandol, District Jalgaon (Maharashtra)	-do-
28.	-do-	-do-	Shri Sher Ali Haji Ashraf Ali, 238, Balaji Peth, Jalgaon Taluka & J District Jalgaon (Maharashtra)	-do-

१	२	३	४	५
29.	General Election to the House of the People, 1984 (Maharashtra State).	17-Jalgaon	Shri Salunkhe Gokul Baburao, Shahu Nagar, Taluka & District-Jalgaon, Maharashtra.	Failed to lodge any account of election expenses.
30.	-do-	-do-	Shri Hamid Vajir Tadvi, Lizana Cottage, Telephone Nagar, Near Girna Water Tank, District Jalgaon (Maharashtra)	-do-
31.	-do-	24-Bhandara	Shri Bhagwat Baliram, C/o Suresh Wasnik, Railway Gate Warthi, Bhandara Road,	do-
32.	-do-	27-Wardha	Shri Thakare Anandrao Gopalrao, Sindi (Maghe) Ward No 4, Wardha, Maharashtra.	Failed to lodge the account of election expenses in the manner required by law.
33.	-do-	28-Yavatmal	Shri Jadhao Bhimrao Limbaji, At. Malhiwara, Post Kondari, Tq. Digras, District Yavatmal (Maharashtra).	Failed to lodge any account of election expenses.
34.	-do-	31-Parbhani	Shri Hamid Khan Jabbar Khan, At & Post-Wadwani, Taluka-Majalgaon, District-Bhir, Maharashtra.	-do-
35.	-do-	44-Satara	Shri Dupate Raghunath Balwant, 41, Guruwar Peth, Satara City, Maharashtra	-do-
36.	-do-	45-Karad	Shri Deshpande Dipak Shivram, At & Post- Raigaon, Taluka-Jaoli, District-Satara (Maharashtra).	-do-
37.	-do-	-do-	Shri Patankar Madhukar Krishan, At & Post Anewadi, Taluka-Jaoli, District Satara (Maharashtra).	-do-

[No. 76/MT/85(6-37) (HP)]

By Order,
J. C. CHAUDHARY, Under Secy.

नई दिल्ली, २७ मित्तम्बर १९८५

आ०अ० ७६.—लोक प्रतिनिधित्व अधिनियम १९५१ (१९५१ का ४३) की घरा १०६ के अनुमत्ता में निर्वाचन आयोग १९८५ की निर्वाचन अर्जी सं० २ में उत्तरावाद उच्च न्यायालय लखनऊ बैच के तारीख ६-५-१९८५ के तिर्यक को एतद्वारा प्रकाशित करता है।

[मं० ४२/उ०प्र०-ल०स०/२/८५ (लख)]

आदेश में,

जे०सी० चौधरी, अबर सचिव

New Delhi, the 27th September, 1985

O.N. 76.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgement dated the 6th May, 1985 of the High Court of Judicature at Allahabad (Lucknow Bench) in Election petition No. 2 of 1985.

[No. 82]UP-HP/2/85(LKW)]

By order,
J. C. CHAUDHARY, Under Secy.

A.F.R. No. 101/85

IN THE HIGH COURT OF JUDICATURE AT
ALAHABAD LUCKNOW BENCH, LUCKNOW
Election Petition No. 2 of 1985

Ch. Azhar Hussain ...Petitioner.
Versus ..Respondent.
Rajiv Gandhi

Counsel for Appellant : Sri S. R. Dwivedi, Qamar Ahmad and Smt. Pratama Devi.

Counsel for Respondent : Sri V. K. Chaudhari, M/s. Narain Nattar.

Lucknow, Dated : 6-5-1984.

Hon'ble Kavleshwar Nath, J.

This is an election petition under Section 80 of the Representation of the People Act, 1951 (for short, the Act) for a declaration that the election of respondent Sri Rajiv Gandhi to the Parliament from 25 Amethi Parliamentary Constituency, District Sultanpur, is null and void.

By a Notification dated 20-11-1984 (erroneously stated as 19-11-1984 in Para 1 of the election petition) published in the Gazette of India (Extra-ordinary), Part II of even date, issued under Section 15 of the Act by the President, all the Parliamentary constituencies (including "25-Amethi Parliamentary Constituency) were called upon to elect members for the Lok Sabha (House of People) in accordance with the provisions of the Act, Rules and Orders made thereunder. The Election Commissioner of India issued the requisite Notification. Nominations were invited till 27-11-1984 fixing 30-11-1984 as the last date for withdrawal of the candidature. Polling was held in the constituency on 24-12-1984. Among the various candidates, who contested, was Smt. Maneka Gandhi a leader of the Rashtriya Sanjay Manch, as also the respondent, Sri Rajiv Gandhi. The results of the election were declared on 29-12-1984 wherein the respondent was declared to have been elected, securing 3,65,041 votes. The petitioner claiming himself to be a worker of Rashtriya Sanjay Manch and an elector from the Amethi constituency, filed this election petition for the declaration aforesaid on various grounds of corrupt practices under 100 (1) (b), Section 100(1) (d) (ii) and for violation of certain provisions of the Act within the mischief of Section 100(1)(d)(iv) of the Act. These grounds are set out in Paras 4 (I to XVII) of the Election Petition.

The election petition has come up for disposal before me under Section 80A(2) of the Act. On notices being issued, appearance has been put on behalf of the respondent who has chosen not to file a written statement but in the initial stage to raise preliminary objections regarding maintainability of the various grounds. C.M. An. No. 14(E) of 1985 by the respondent seeks to strike out all the above-mentioned paragraphs of the election petition under order 6 rule 16 C.P.C. The petitioner filed two sets of objections C.M. An No. 21(E) and 32(E) of 1985 to be said application.

The respondent has also raised objections regarding validity of the petitioner's affidavit and some of the contents of the election petition. The petitioner filed an amended affidavit

with C.M. An. No. 26(F) of 1985 and also filed two applications C.M. An. Nos. 25(E) of 1985 and 30(F) of 1985 for amendment of the election petition. The new affidavit has been objected to on behalf of the respondent orally; the application for amendment of the election petition has been objected to by C.M. An. No. 35(E) of 1985 of the respondent. The petitioner has taken a stand that since the respondent has not filed a written statement and since the application under Order 6 rule 16 C.P.C. has no force, an order be passed as requested in C.M. An. No. 27(E) of 1985 to proceed ex parte against the respondent. This order governs all these applications.

Sri Sita Ram Dwivedi Advocate, assisted by Sri Qamer Ahmad Advocate, for the petitioner and Sri S. C. Maheshwari Advocate for the respondent have placed their arguments ably and exhaustively during the hearing of these applications.

One of the applications, namely C.M.A. No. 26(E) of 1985 for a new affidavit may be disposed of immediately. The affidavit filed with the election petition initially did not conform to Form No. 25 read with Rule 94A of the Conduct of Elections Rules 1961. This defect is not fatal to the maintainability of an election petition because Section 83 of the Act, which provides for the affidavit to be in the prescribed form, is not included in Section 86(1) of the Act whereunder an election petition shall be dismissed if it did not comply with the provisions of Section 81 or 82 or 117 of the Act. It has been held in the case of Murarka Radhey Shyam Ram Kumar v. Roop Singh Rathore & Others (A.I.R. 1964 Supreme Court 1545) that a defective verification of the affidavit is not fatal to the election petition and may be allowed to be filed at a later stage. The importance of affirmation, as held in the case of Virendra Kumar Saklecha v. Jagiwan and others (A.I.R. 1974 Supreme Court 1957) is to test the, genuineness and authenticity of the allegations and also to make the deponent responsible for the allegations. There seems to be no legal impediment in permitting the petitioner to do that even after the expiry of the period of limitation for filing an election petition. In the circumstances C.M. An. No. 26(E) of 1985, for permitting to file a new affidavit, is allowed.

The two applications for amendment of the election petition and the respondent's objections thereto may justly be considered along with the motion for striking out the pleadings of the petitioner.

The grounds for challenge of the election of the respondent may be classified, for the sake of facility, as follows :

A. Allegations of corrupt practice :—

(i) Obtaining assistance from a person in the service of nation and the respondent's objections thereto may justly be of the Election petition;

(ii) Appeal by the respondent etc. on the ground of religation, Section 123(3) of the Act and promotion of feelings of enmity or hatred between different classes of citizens; Section 123(3A) of the Act vide Paras 4(ii) and 4(iii) of the election petition;

(iii) Bribery; Section 123(1) of the Act, vide Paras 4(IV) and (V) of the election petition;

(iv) Undue influence; Section 123(2) of the Act, vide Paras 4(VI) to (VIII) of the election petition; and

(v) Publication of false statements of fact in relation to the personal character or conduct of Smt. Maneka Gandhi; Section 123(4) of the Act, vide Paras 4(XIII) to (XVI) of the election petition.

It may be mentioned that some of these corrupt practices are also alleged to have been committed by some agent of the respondent other than by election agent—hit by the provisions of Section 100(1)(d)(ii) of the Act.

B. Violation of the provisions of the Act—in connection with counting and deployment of Presiding Officers and counting staff, section 100(1)(d)(iv) of the Act.

Before we enter upon the details of the impugned acts, it would be appropriate to set out the requirements of law regarding pleadings in an election petition on the matters in question.

Under Section 87 of the Act every election petition has to be tried, as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure to the trial of suits subject to the provisions of the Act and of any rules made thereunder. One of such provisions of the Act is Section 83 of the Act which sets out the requisite contents of an election petition in the following words:—

83. (1) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) Shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings;

Provided that where the petitioner alleged any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any Schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition."

The expression "material facts" occurring under clause (a) and "full particulars of any corrupt practice" under clause (b) have received careful judicial interpretation. Learned counsel for the petitioner has relied upon the case of *Ruplal Sathi v. Nachehattar Singh* (1982) 3 S.C. Cases 487 which says that all primary facts which must be proved in order to establish the existence of a case of action are material facts, and in respect of a charge of corrupt practice material facts mean all basic facts constituting the ingredients of the particular alleged corrupt practice. It has been held that failure to place even a single material fact violated Section 83(1)(a) of the Act and the petition must fail. The Court referred to the English case of *Bruce v. Adhams Press Ltd.* (1936) 1 K. B. 697 to point out that the word 'material' means necessary for the purposes of formulating a complete cause of action, and if any one material statement is omitted the statement of claim is bad. The case then goes on to say that material particulars under Section 83 (1) (b) of the Act mean all the necessary details which are necessary to amplify and embellish the material facts already pleaded under clause (a); a failure to set up the particulars does not entail dismissal of the petition but may be made good by amendment.

The question then is what does the expression "cause of action" imply. The following comments of Mulla on Code of Civil Procedure to which reference has been made in *Ruplal Sathi's case* (supra) in connection with order 7 rule 11 C.P.C.; 1981 Edition Volume I at page 206 are material:—

"A cause of action means every fact, which, if traversed it would be necessary for the plaintiff to prove in order to support his right to a judgement of the court..... It does not comprise evidence necessary to prove such facts, but every fact necessary for the plaintiff to prove to enable him to obtain a decree. Everything which is not proved would give the defendant a right to an immediate judgement must be the part of cause of action. It is, in other words, a bundle of facts which it is necessary for the plaintiff to prove in order to succeed in the suit."

The purport seems to be clear. In order that a petitioner may secure a declaration of the commission of a corrupt practice or an illegal act, he must set out each and every fact which the law requires to be proved in order to arrive at the requisite decision. If any of the ingredients of the impugned act is not set out, the commission of the act cannot be proved; and if the commission of the act cannot be proved, the claim for relief must fail.

It is axiomatic that each of the acts, alleged by the petitioner, has its own ingredients, which constitute essential elements of the act in question and if any of these elements is missing from the pleadings, the pleading cannot indicate a cause of action. It is in this sense that not only in the case of *Ruplal Sathi* (supra), but also in the earlier decisions of *Samant M. Balakrishna V. George Fernandez & others* (1969 S.C. 1201), and *Udhay Singh V. Madho Rao Sindha* (1976 S.C. 744) it has been emphasised that omission or failure to plead even a single material fact leads to an incomplete cause of action and renders the statement of claim to be bad, and if the petition rests entirely upon the plea of material facts, the petition itself must be rejected summarily for want of a cause of action.

In respect of the pleading about a corrupt practice there is an additional factor. A corrupt practice has been linked to a quasi-criminal charge and it has been held repeatedly that the requisite proof in support of a corrupt practice would be as in a criminal charge, i.e., beyond reasonable doubt and not merely a preponderance of probabilities. The cases of *Surendra Singh V. Hardial Singh* (1985 S.C. 89) and *Manphul Singh V. Surindra Singh* (1973 S.C. 2158) may be seen. In the case of *Mithlesh Kumar Pandey Vs. Baidyanath Yadav* (1984 Supreme Court 305) it has been held that since a corrupt practice has to be proved to the hilt like a criminal charge any mistake which contains an element of vagueness would immediately vitiate the election petition and merit its dismissal under Section 86 of the Act.

At this stage we may pause to consider what the expression 'vague' would signify. The various kinds of corrupt practices as described in the statute, contain various elements. At this stage I may refer to one of the elements which so to stay is rather all-pervasive in connection with corrupt Practice. According to Section 123 (1) of the Act the corrupt practice of 'bribery' involved a gift etc. "by a candidate or his agent or by any other person with the consent of a candidate or his election agent" to the concerned person. Under Section 123 (2) of the Act 'undue influence' contemplates interference "on the part of the candidate or his agent", with the free exercise of any electoral right. The culpable appeal, on the ground of religion under section 123 (3) of the Act must flow from "a candidate or his agent or by any other person with the consent of a candidate or his election agent". The promotion of feeling of enmity or hatred between different classes of citizens under Section 123 (3A) of the Act, is expected to be "by a candidate or his agent or by any other person with the consent of a candidate or his election agent." The corrupt practice of publication of false statement of fact in relations to the personal character or conduct of a candidate, under Section 123 (4) of the Act, is required to be done" by a candidate or his agent or by any other person with the consent of a candidate or his election agent. "The culpable obtaining etc. of any assistance from a person in service of the government, under Section 123 (7) of the Act, has to be done by a candidate or his agent or by any other person with the consent of a candidate or his election agent."

When a petitioner in an election petition pleads any of these corrupt practices, he is expected to be specific and particular about the person who actually committed the act. If the petitioner was merely to say that the act has been committed by a candidate or his agent or any other person with the consent of the candidate or his election agent, the pleading would not be specific, but would be vague because the respondent would not know what case he has to meet. The petitioner must choose the particular alternative and plead it specifically; of course, it is open to him to plead all and every one of them at the same time, but there also he will have to be specific about each one of the persons who has committed the act. In the case of *Smt. Indira Nehru Gandhi v. Raj Narain* (1975 S.C. 2299) the pleading "of obtaining or procuring or abetting or attempting to obtain or procure" by "a candidate or his agent or by somebody with the consent of the candidate or his election agent" was in question and it was held that the petition must state the particular alternative.

In the case of *Daulat Ram Chauhan v. Anand Sharma* 2984 Supreme Court (621) the Supreme Court observed that

every statement of a corrupt practice must be self contained and that in order to constitute corrupt practice the following necessary particulars, statement of facts, and essential ingredients must be contained in the pleadings:

(a)—Direct and detailed nature of corrupt practice as defined in the Act;

(b)—Details of every important particulars must be stated giving the time, place, names of persons, use of words and expression etc; and

(c) It must clearly appear from the allegation that the corrupt practices were indulged in by (a) the candidate himself, (b) his authorised election agent or any other person with his express or implied consent.

In the case of Hardwarilal V. Kanwar Singh (1972 S.C. 515) it was held that in a case of allegation of enlisting of support of a government servant, under Section 123(7) of the Act, the petition must state what kind or form manner of assistance was obtained or procured or abetted and attempted, as material facts. It was further held that if each of these four variants is to be alleged, the facts should be set up about each of the persons. In the absence of such facts the Court held "the petition was liable to be dismissed under Section 87 of the Act on the ground that it disclosed no cause of action."

In the case of Raghuvir Singh v. Raghbir Singh Kushwaha (1970 S.C. 442) the question of distribution of a newspaper 'Udgar' containing material amounting to character assassination of a candidate came up for consideration. The pleading was that the copies of the newspaper were distributed by the returned candidate his election agent and workers and agents of the returned candidate and his election agent in villages Akoda, Bila, Bakoha, Laknouli etc. on 1-2-67, 10-2-67 and 12-2-67. It was held that the allegation was quite vague as it did not make it clear as to which person distributed which issue in which village and on what dates. It may be mentioned that when the appellate's counsel in that case submitted to the Court that all the persons named distributed all the issues in all the villages on all the dates, the Court held that "such an allegation appears to be wholly unbelievable—the allegation as regards distribution of 'Udgar' appears to us to be artificial."

At this stage the provisions of Order 6 rule 16 Code of Civil procedure may be taken notice of. It runs as follows.—

"16—The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading—

(a) which may be unnecessary, scandalous, frivolous or vexatious, or

(b) which may tend to prejudice, embarrass or delay the fair trial of the suit, or

(c) which is other-wise an abuse of the process of the Court.

It is beyond controversy that provisions of Order 6 rule 16 C.P.C. apply to an election petition in view of Section 87 of the Act. The provisions of Section 83 of the Act, read with Order C rule 16 C.P.C., present the positive as well as the negative side of the pleadings in an election petition. The former provides for what an election petition must contain; the latter provides for what an election petition must not contain. One of the elements in clause (h) of Order 6 rule 16 C.P.C. discontinuance of a pleading which tends to embarrass the other party. 'To embarrass' means, as set out in Webster's New International Dictionary, 1971 Edition, Volume I, page 739, "to place in doubt, perplexities or difficulties". That is the concept of vagueness. In the case of Davy v. Garret, 1878, 7 Ch.D. 473, it has been stated that each party is entitled, *ex debito justitiae* to have his case against him presented in an intelligent form so that he may not be embarrassed in meeting it. At page 483 it has been laid down that nothing is more embarrassing to a defendant that a number of statements which may be irrelevant and which he, therefore, does not know what to do. It was noticed that almost every statement in the claim appeared calculated to embarrass the defendant in ascertaining what is the case which he had

to meet. What applies to a pleading calculated to embarrass, applies equally to the other ingredients of Order 6 rule 16 C.P.C., namely, to the pleadings which are unnecessary, frivolous or vexatious.

In this connection it would also be useful to consider the position of a pleading which is appropriate partly, but is contrary to the provisions of law in respect of other party. If the two parts are inapposite, the pleading must fall as a whole; if they are separable it may be appropriate to know them to be rectified by amendment. In the case of *Cashmir vs. Cradock* 1876, Volume III, Ch. Division, 376, it was noticed that many of the pleadings set up by the plaintiff were wholly irrelevant and unintelligible, but some of the statements might have been true and acceptable. It was held that some of the statements are true but they have been so mixed up with other matters that it would not be possible for the court to strike out any one part; consequently the pleadings were to be struck out as a whole. In the case of *Williamson vs. London & North-Western Railway Co.* 1879 Volume XII Ch.D. 787, the plaintiff's reply was struck out as a whole because the defendants were embarrassed with reference to the course which they were to take in their further proceedings in the action. If a pleading in the election petition lacks in all the 'material facts', it would be bad for want of a cause of action. Since an election petition must be filed within 45 days of the date of the election of the returned candidate, under Section 81 of the Act, it would not be legally permissible to allow an amendment to make good the deficiency with regard to a 'material fact' under Section 83(1)(a) of the Act beyond the said period of 45 days because in the meantime a valuable right would have accrued to the respondent and it is well-settled that amendment must not be allowed normally to defeat accrued valuable rights. However, in respect of a allegation of a corrupt practice under Section 83(1)(b) of the Act, an amendment may be allowed even after the expiry of the period of limitation provided that the corrupt practice itself has been alleged, and the amendment appears to be necessary to the Court for ensuring an affective trial of the election petition. That is what Section 86(5) of the Act contemplates. In the case of *Harish Chandra Bajpai v. Triloki Singh & another* (1957 S.C. 444). It was held that greater details of facts and instances, already given regarding a corrupt practice, may be given by amendment, but new ground of charges cannot be raised by amendment. The same view could be found in the case of *Ruplal Sathi* (Supra).

With these basic principles in view, the pleadings in the election petition regarding each of the grounds of attack of the respondent's election may be considered.

In Para 4(1) of the election petition it is stated that Mr. M. H. Beg (incorrectly mentioned as H. M. Beg), a former Chief Justice of Supreme Court of India "appeared on the government controlled news media and made a speech praising the respondent and comparing his entry into the politics as the birth of a new Arjuna, the insinuation being that the opposition were the Kauravas". It was added that Mr. Beg, a gazetted officer, being Chairman of the Minorities Commission, his services "were procured and obtained by the respondent, his agents and other persons with the consent of the respondent with a view to assist the furtherance of the prospects of the respondent's election". It was further said that Mr. Beg seen and heard on the television as late as 21-12-1984 and that propaganda about Mr. Beg was done particularly amongst the members of the Muslim community. This corrupt practice is said to be hit by the provisions of Section 123(7) of the Act.

The contention of learned counsel for the respondent is that there is no pleading that Mr. M.H. Beg was "a person in the service of the government" as, according to the learned counsel, the Chairman of the Minorities Commission is not a person in the service of the Government. Learned counsel for the petitioner says that the petitioner had specifically pleaded that Mr. Beg was a gazetted officer which implies a pleading that he was in the service of the Government. Learned counsel for the respondent says that simply because a person is a gazetted officer, it is not necessary that he must also be a government servant because the

appointment of so many persons is gazetted and yet some of them may not be government servant. Be that as it may, the fact remains that the petitioner had not stated in the pleading that Mr. Beg was a person in the service of the government as specifically required by Section 123(7) of the Act. This requirement is a requirement of the statute and is, therefore, a material fact within the meaning of Section 83(1) (a) of the Act. Similarly, the statement that the services of Mr. Beg were procured and obtained "by the respondent, his agents and other persons with the consent of the respondent" is clearly vague as discussed above. It was incumbent upon the petitioner to specify which if the three alternatives be meant to plead; in particular it was necessary for him to indicate the names of the respondent's agents and other person to enable the respondent to know what was the case which he was expected to meet.

Learned counsel for the respondent further contends that the petitioner has not set out the exact words used by Mr. Beg in his speech, the expression "a speech praising the respondent and comparing his entry into politics as the birth of a new Arjuna" is not what Mr. Beg might have said: it is only an inference from what he might have said. In the case of K.M. Mani V. P.J. Antony (1979) 2 S.C. Cases 221, the speech made by a police officer extorting the electors in an election meeting to support a candidate was questioned. It was held that a mere statement of the making of the speech or exhortation was not enough, and that transcript of the alleged speech or contemporaneous record of the points or atleast substance of the speech should have been made available. In these circumstances the proposed pleading in this paragraph dose not set out the material facts and, therefore, constitutes an incomplete cause of action under Section 123 (7) of the Act.

In para 4 (11) of the election petition, it was stated that for more than three years prior to the elections held in December 1984, the ruling congress (I) Party, of which the respondent was then a General Secretary, and subsequently a President, through the news media under their control created an impression that violence and acts of terrorism in Punjab were caused by the religious and political demands of Shiromani Akali Dal. The Akalis were described as secessionists and anti-national with the declared objective of establishing an independent State for Sikhs and the massive propaganda painted the entire Sikh community as secessionists and Khalistani. It was said that the respondent and his party represented that Anandpur Sahib Resolution aimed at Partition of India and creation of a separate Sikh State which was a distorted view of the Anandpur Sahib resolution without any factual basis and, therefore the Sikhs became object of communal hostility. It was stated that the respondent, his agent and other persons with his consent for furtherance of the prospects of the election of the respondent and for prejudicially affecting the election of the petitioner promoted the feeling of enmity.

Learned counsel for the respondent urged that the allegation of "prejudicially affecting the election of the petitioner" is wholly misconceived because the petitioner was not a candidate at all. The contention of the Counsel for the petitioner is that the intention was to refer to the election of the petitioner's party leader, namely, Smt. Maneka Gandhi. For this purpose the petitioner had applied for an amendment of the petition.

It will be seen that under Section 123(3) of the Act, the ingredient is a material element of the offence. The erroneous statement in this regard is an error in respect of a material fact and cannot be permitted to be made now. The prayer for amendment in this regard must fail. The result would be that the pleading suffers from vagueness in respect of material fact.

It was contended by the learned counsel for the respondent that the petitioner had not set out facts to show how the respondent promoted the feeling of enmity or hatred among different classes of citizens, nor had set out the names of the agent or other persons. It was urged that views expressed by persons regarding the demands of the Akali Dal are not corrupt practice at all within the meaning of

the Act and that the allegation lack the particulars. It was also urged that matters, which happened three years before the elections, were absolutely irrelevant.

The contention of learned counsel for the respondent seems to be correct. Section 123(3A) of the Act contemplates promotion of enmity or hatred "on the ground of religion, race, caste, community or language." The fact set out in the pleadings at best describe the Sikhs to constitute a community, but do not further set out that an account of belonging to the Sikh community a feeling of enmity or hatred had been promoted. The reason of alleged promotion of feeling or enmity or hatred is described to be a distorted view of Anandpur Sahib resolution and not because the resolution was an act of the Sikh community. The contents only criticise the political views of the Congress (I) Party which are said to be false and distorted. Such views cannot be said to be on the ground of religion or community as contemplated by section 123(3A) of the Act. Again, the petitioner should have set out the actual words of the respondent whereby the latter is said to have promoted the feelings of enmity or hatred between the Sikhs as a community and others. The allegation, therefore, lacks material facts.

In clause (i) of Para 4 (II) the petitioner said that throughout the petitioner's constituency "workers employed by the respondent and/or his agents painted available space" with a slogan "Beti Hai Sardar Ki Desh Ke Gaddat Ki." and another slogan "Maneka Tera Yeh Abhiman. Banane Na Dengge Khalistan." It was alleged that thereby an insinuation was made that Smt. Maneka Gandhi had a vision of Khalistan being set up, and her election would mean the creation of Khalistan. It was said that these slogans were uttered and broadcast from the vehicles used by the respondent's workers in almost every speech delivered during the election campaign in the constituency and that the "respondent must have known of them." and that "but for the fact that they had been used with his consent, he would have taken some steps to repudiate them or have them discontinued." The contention of learned counsel for the respondent is that this pleading suffers from lack of material facts because the names of the workers, employed by the respondent, or his agents who painted the slogans or uttered them in speeches or broadcast from the vehicles, have not been indicated. It is pointed that the allegation regarding the painting of slogans is vague because it is stated to have been done by workers.....and/or his agents" signifying that the petitioner himself did not know whether painting work was done by workers employed by the respondent or by his agents or by both. I have already pointed out that this kind of statement is vague and embarrassing and, therefore, is contrary to the concert of material facts. In the case of Nihal Singh V. Rao Birendra Singh and another (1970) 3 Supreme Court Cases 239 it was held that the allegation that a' meetings in different villages, speeches were given on 5th and 12th May 1968 was vague in the absence of a specification of date and place of each meeting and evidence could not be premitted to be led in the matter.

The allegation of consent of the respondent to the paintings of the slogans or to their utterances in the speeches of his workers is only inferential. There is a distinction between consent and connivance. The pleading is in the nature of a pleading of connivance and not of consent which is not enough, vide the Case of Charan Lala Saha V. Giani Zail Singh (1984 S.C. 309). In the case of Surendra Singh V. Har Dial Singh (1985 S.C. 89) it has been indicated in para 37 that consent is the life-line to link up the candidate with the action of the other person which may amount to corrupt practice and unless it is specifically pleaded and clearly proved and proved beyond reasonable doubt, the candidate cannot be charged for the action others.

In sub-para (ii) of Para 4 (II) of the election petition, the petitioner said that on 11-12-84 when the respondent was entering the constituency he was stopped by the petitioner's workers at Inhaunakashah and his attention drawn to the said vulgar slogans, and was requested to give instructions to the authorities that these should be removed. It was added that the respondent had the workers dismissed

and dispensed contumuously. He said that the respondent did not repudiate those slogans in any of his speeches. Learned counsel for the respondent correctly contends that these averments again are vague because they do not describe the petitioner's workers who stopped the respondent or furnish details of the speeches in which the respondent was expected to repudiate the slogans. He has also correctly urged that the so-called request if any, to the respondent for "instructions to the authorities" was mis-conceived and did not establish any obligation of the respondent to direct the authorities under any provision of the election law.

In sub-para (iii) of Para 4 (II) of the election petition it was stated that the respondent's workers "with the knowledge and consent of the respondent and other agents of the respondent" caused an poster of Blitz newspaper dated 30-6-1984 to be affixed in prominent places throughout the constituency. The poster carried a heading of conspiracy between Smt. Maneka Gandhi the leader of Rashtriya Sanjay Manch and Bhindranwals with their photographs. The petition went on to mention that the copy of the poster (Originally proposed to be annexed with the petition as Ext.B) would be filed latter on. In this connection the petitioner mentioned that "Literal English translation of the poster is given below.", but in fact no translation was incorporated in the petition.

It was further mentioned that the poster purported to carry a facsimili copy of a forged letter purportedly addressed Sri Kalp Nath Sonkar, a member of the Rashtriya Sanjay Manch to Dhindranwala in order to show that Smt. Maneka Gandhi was in secret conspiracy with Bhindranwala and had illegally supplied arms to the latter and other secessionists and terrorist and was in sympathy with the creation of Khalistan and division of the country. All these allegations, according to the petitioner, were false. These matters, according to the petitioner, were reported in certain newspapers whose cuttings (originally proposed to be filed along with the petition as Ext. C) were subsequently proposed to be filed later on.

Learned counsel for the respondent say that these allegations are also vague because the names of the respondent's workers, or the facts of the respondent's knowledge and consent of the respondent and his other agents, who are said to have caused, the poster to be affixed, have not been disclosed. It is also pointed out that the petitioner dose not specifically set out the actual words used in the poster which was planned originally to be incorporated as a translation, but was not done. The poster, in these circumstances, was claimed to be an integral part of the election petition and since it was not filed, muchless its copy furnished to the respondent, the pleading suffered from the infirmity of non-compliance with Section 81(3) read with Section 87(1) of the Act. In this connection one of the amendments, sought by the petitioner, was to strike out the statement in the paragraph that the petitioner would file the poster or newspaper cuttings. Learned counsel for the petitioner says that the text of the poster or the poster and the newspaper cuttings itself would only be an evidence and not an integral part of the election petition and, therefore, the failure to furnish its copy is not fatal to the election petition. He relies upon the case of Madan Mohan V. Kalavakunta Chandrashekhar (1984 S.C. 871) to show that documents and schedules are not integral part of the petition and, therefore, need not be served upon the respondent. On the contrary, learned counsel for the respondent relies upon the case of M. Karunanidhi V.H. V. Handa (1983 S.C. 558) where the failure to furnish a copy of the pamphlet to the respondent was held to be fatal. That case was considered, as also the earlier case of Smt. Sahodrabai Rai v. Ram Singh Aharwar and others (A.I.R. 1968 S.C. 1079) in the case of A. Madan Mohan (Supra). The principle which follows from an examination of these decisions is that if a particular document is an integral part of the election petition it must have been served upon the respondent and failure to do so would be fatal to the election petition, but if it is not an integral part it need not have been served upon the respondent. The test laid down in A. Madan Mohan's case (Supra) is whether the document contains a statement of fact which ought to be a part of the

election petition, but instead of putting in the election petition is put in the form of a schedule or annexure it would be an integral part of the election petition, otherwise not. It appears to me that if an averment of fact is an essential part of the pleading, it must be considered to be an integral part of petition. If such an averment is not actually put in the election petition the petition suffers from the lack of material facts and, therefore, the statement of cause of action would be incomplete. If it is stated in the election petition either in the body of the petition itself or by way of annexure, but its copy is not furnished to the respondent, the election petition would be hit by the mischief of Section 81(3) read with Section 86(1) of the Act. In my opinion, the reference to the poster and its proposed translation in the election petition, which was never incorporated into it, are material facts under Section 83 (1) (a) of the Act and their absence cannot now be made good by means of an amendment. The pleading as it stands, and even if it were permitted to be emended would suffer from lack of cause of action on this material fact and, therefore, is liable to be struck out. The newspaper cuttings are not used by the petitioner as containing facts, but only as evidence to that extent amendment is allowed.

In sub-para (iv) of Para (4) (II) of the election petition it is stated that the respondent had sanctioned printing and publication and circulation of a pamphlet called "Punjab Mc Karvahi". It was said tha at pages 2 & 3 there was a clear innuendo that the respondent's mother was killed by the Sikhs. The following words purporting to be in the pamphlet have been reproduced :—

"It is clear before the whole world that the veil of secrecy of the Akalis has now been torn."

The petition proposed to file a copy of the pamphlet as Ext. D. but that has not been filed and now by amendment the proposal to file the pamphlet is sought to be struck out.

Learned counse for the respondent correctly says that the only expression from the pamphlet, which has been set out in the petition, is absolutely innocuous and has no bearing upon the so-called corrupt practice of creating hatred or enmity with the Sikh community and, therefore, the averment does not contain material facts in that connection. In my opinion, this paragran fails to satisfy the requirements material facts. If the statements contained in the pamphlets were 'material facts', they cannot be permitted to be introduced now. In either case, the amendment prayed for cannot be allowed.

The paragraph went on to add the respondent, in his speech, had made a direct innuendo to the Sikhs as being his mother's assassins. It was added that the respondent repeated the words "we shall take revenge" three times, but cleverly proceeded to say 'at it should not be taken in anger. Learned counsel for the respondent correctly says that the alleged innuendo to the Sikhs, as being the assassins of respondent's mother, is purely inferential and is not free from doubt because the petitioner immediately proceeded to mention that the respondent had said that force 'Shakti' that murdered his mother were identified and that we will not allow these forces to spread. The statement does not contain material to show that 'forces that murdered the respondent's mother and were identified' referred to Sikhs as a community, or that the expression of taking revenge constituted a threat to the Sikh Community as a whole it may as well be refeable to the forces identified whatever that expression might mean. It would appear from that case of Man Mohan Kalia v. Yash & others (1984) 3 S.C.S. 499 that innuendo cannot be proved merely by inferential evidence which may be capable of two possibilities. The upshot is that the allegation made does not conform to that standard of specification which is requisite to set out a quasi-criminal charge like a corrupt practice. In the case of Daulatram Chauhan V. Anand Sharma (1984) S.C. 621 it has been held that where the allegation of a fraudulent practice is equally possible inferences. The pleading of a corrupt practice must fail. That principle seems to apply to the allegation made in paragraph under consideration.

It is further said in the paragraph that on the day after the assassination it was seen on the television that in the respondent's presence slogans were shouted for revenge against the Sikhs by a large number of persons collected, but the respondent showed neither discomfort for disapp-

proval. This is an absolutely incomplete statement of facts. The fact that slogans were raised in the presence of the respondent does not satisfy the requirement that it was one by any person with the consent of the respondent or his agent as specifically required by Section 123 (3A) of the Act. The pleading lacks in material facts.

The same situation seems to apply to the further averments in this paragraph that a tape of the respondent's recorded speech was played in thousands in the Amethi constituency which contained a message that whenever a big tree falls the earth shakes a little. Here again the petitioner purported to file a copy of the tape as Ext. E. but he did not and has applied for amendment to strike out that proposal. In my opinion the pleading does not satisfy the requirements of law. However, the amendment is allowed because the tape seems to be only evidence, not a material.

In sub-para (v) of Para 444 (II) of the election petition the petitioner alleged that result of the abovementioned actions of the respondent was to create a feeling of hatred and enmity against Sikhs as a community. This is a statement of inference and not a statent of facts. It was urged that since Smt. Meneka Gandhi was daughter of Sikh parents, the entire propaganda machinery was directed against her as being a Sikh. This allegation does not constitutes an allegation of promotion of hatred or enmity with Sikhs as a community; the allegation of hatred with an individual is not an allegation of hatred with the entire community.

In this connection learned counsel for the respondent has referred to the statement of the petitioner that there are virtually no voters who are Sikhs in the Amethi constituency. It is urged by him that if the alleged statements of the respondent regarding Smt. Maneka Gandhi could be considered to be statement to detract the voters from voting in her favour as a Sikh. It could not prejudicially affect her election within the meaning of sub-section (3) of Section 123 of the Act of there were virtually no Sikh voters in Amethi constituency. The contention may not be wholly acceptable because the petitioner has mentioned that the election "has therefore been materially prejudiced", but for reasons already indicated the pleading cannot be construed as available on the ground of religion or community.

It is further said in this paragraph that a pamphlet circulated widely by the respondent and his election workers at the time of electioneering "what do the intelligent people think stated that Smt. Maneka Gandhi is surrounded by anti-social elements and has become a puppet in the hands of anarchist elements. 'I do not think that at the time of any national crisis Maneka will be able to pass the test of saving the country.' 'In my eyes Maneka had a big hand in setting fire to Punjab and 'Maneka is one who has destroyed Amethi and Country. She herself is the enemy of Amethi. 'These allegations do not fall within the purview of sub-section (3) or (3A) of Section 123 of the Act. It has not been urged that they fall within sub-section (4) of Section 123 of the Act; indeed no attempt has been made to set out the requisite material in this context for the purposes of that sub-section. Sub-section (4) of Section 123 of the Act deals with publication by a candidate or his agent or any other person, with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be true, in relation to the personal character or conduct of any candidate. The petitioner has not specifically stated that these statements were false and which the respondent either believed to be false or did not believe to be true in relation to the personal character and conduct of Smt. Maneka Gandhi. If the averments, therefore were to be treated to be one under Section 123(4) of the Act, it would suffer from lack of material facts.

In sub-para (vi) of this para, it was stated that the Hindu mind was slowly allowed to be poisoned against the killing of innocent Hindus in Punjab, while no attempt was made to bring the offenders to book, and that the then Prime Minister (Smt. Indira Gandhi) projected herself to be a saviour by a special advertising agency which put out certain advertisements which constituted corrupt practice. This is an absolutely vague statement, embarrassing to the respondent who is in no position to answer any of these facts.

However a prayer for amendment to rectify the expression "the petitioner happened to be one" (i.e. Sikh) is allowed because it is obviously an accidental.

Para 4 (III) of the election petition only sets forth an inferential summary of the contents of sub-paras (i) to (vi) of Para 4(II) by stating that those averments constituted corrupt practice under Section 123(3A) and Section 123(3) of the Act, although both the sections have been misprinted. The averment is not material.

In Para 4 (IV) of the election petition a corrupt practice purporting to be under Section 123(1) (A) (b) read with Section 100(1) (d) (ii) of the Act is alleged. It is said that by 13-11-1984 it had become obvious that the respondent proposed to contest the Parliamentary seat from Amethi and on that date, he announced some subsidies and benefits for weavers, thousands of whom are voters in Amethi constituency. It was added that in the speech delivered on 19-11-1984 when the election programme had been announced, the respondent in a speech connected with the birthday anniversary of his mother (Smt. Indira Gandhi) made references to the concessions which had been announced on 13-11-1984. The cassettes of this speech, it was said, had been distributed and played in the constituency throughout the campaign. The allegation is that "the speech contained gifts, offers and promises made by the respondent himself. The speech was circulated by his agents and other persons with the consent. The object was to directly or indirectly induce the weaver electors to vote in his favour."

It is urged on behalf of the respondent that the pleading does not satisfy the requirements of bribery, that the process of election had commenced not before 20-11-1984 when the notification under Section 14 of the Act had been issued and that the actual words used by the respondent in the announcement of the subsidies and benefits have not been set out. It is urged that there is no allegation in the pleading that the announcement of the subsidies and benefits was by way of bargain with the electors to vote for him.

It is clear from the Government Gazette Notification referred to in the earlier part of this order that the Notification for election was issued on 20-11-1984 and, therefore, the announcement of subsidies and benefits on 13-11-1984 was made before the commencement of the election process. Learned counsel for the petitioner refers to another Gazette Notification dated 15-10-1984 by the Election Commissioner of India appointing Returning Officers for the various Parliamentary constituencies in U.P. including the constituency under consideration; he contends that the process of election commenced on 15-10-1984. It appears to me that the Notification dated 15-10-1984 under Section 21 of the Act does not constitute commencement of the process of the election, but is only a preparation for the purposes of instituting an administrative machinery, in Part IV of the Act, for conduct of elections in anticipation of the commencement of the process of election. The Supreme Court have observed in the case of *Jyoti Basu v. Debi Ghosal* (1982 S.C. 983) that the entire election process commences from the issuance of Notification calling upon the constituency to elect a member or members and that the process continues right upto the final resolution of the dispute, if any, concerning the election in accordance with the provisions of the Act. This decision also finds a reference in the case of *Arun Kumar Bose v. Mohd. Furkan Ansari and Others* (1983 S.C. 1311) (Para 7). In the case of *Anand Mohan v. Union of India* (1985 Allahabad 114) a Division Bench of this Court has recorded that while the terms of the old Lok Sabha expired on 21-1-1984, the Notification of fresh elections issued on 20-11-1984. I have already referred to the Notification which had been produced by the learned counsel for the petitioner in this case. I am of the view that the process of election did not commence on 15-10-1984 but on 20-11-1984. The announcement of subsidies and benefits on 13-11-1984, therefore, was made before the commencement of the process of election; indeed, it was made before the candidature of the respondent.

Under Section 79 (b) of the Act, 'Candidate' means a person who has been or claims to have been duly nominated candidate at any election. It is clear that a person in order to be a candidate must be one who was either been duly nominated or claims to be duly nominated at an elec-

tion. The statement in the election petition that by 13-11-1984 "it was quite obvious that the respondent proposed to contest the Parliamentary seat from Amethi" doest not bring the respondent in the category of a candidate. It is axiomatic that the promise, gift or offer constituting bribe must be by a candidate or his agent or by any person with the consent of the candidate or his election agent. In the case of Harijit Singh Mann v. S. Umrao Singh & others (1980 S.C. 701) orders had been passed by a Minister on 17-4-1977 and 29-4-1977 as grants-in-aid in the constituency with a view to seek votes of the village people, but scrutiny of the nomination, was done on 19-5-1977. The Supreme Court held that the respondent could not have been a candidate before 19-5-1977 with the meaning of Section 123 read with Section 79 of the Act and, therefore, the orders to make grants-in-aid had been made before his candidate. It was further held that even if it be assumed that the respondent had sanctioned the money for gaining popularity with an eye on his election candidature, it could not be said that his act amounted to a gift offer or promise by him as a candidate at the election so as to amount to bribery under Section 123 of the Act. It is clear, therefore, that on the own pleadings of the petitioner the elements of offence of bribery were not made out.

Again, the pleading does not contain the actual words used by the respondent which, as already indicated earlier, was an essential part of the material facts, regarding the charge of corrupt practice.

Lastly, there is no specific pleading that the announcing the subsidies and benefits for the weavers and even though distributed and played throughout the constituency on cassettes during the election campaign, the respondent had entered into any bargain with the voters to vote in his favour. The element of bargain is recognised to be an essential element in the corrupt practice of bribe to be set out in the pleading itself. vide B. K. Shastri v. Mohanlal Sukhadia and others (A.I.R. 1971 S. C. 2025) and H. V. Kamath v. C. H. Nitir Singh (A.I.R. 1970 S.C. 211) and recently followed by our Court in the case of Jagannath Prasad v. Kamlapati Tripathi (1981 A.L.J. 912). All that the petitioner has stated is that "the object was to directly or indirectly induce the weaver electors to vote in his favour." Besides being too vague, it does not satisfy the requirement of setting up the element of bargain in the announcement of the subsidies and benefits in question. The pleading is not sustainable.

In Para 4 (VI) of the election petition the corrupt practice of undue influence under Section 123 (2) read with Section 100 (1) (b) and Section 100 (1) (A) of the Act is sought to be set out. It was alleged that the official machinery employed in the elections was terrorised and threatened by Congress (I) Leaders including two Ministers of Uttar Pradesh namely, Sanjay Singh and Vir Bahadur Singh, on account of which fair and free elections could not be conducted. It was done according to the petitioner, with the aid of the Returning Officer Sri Malhotra. It was said that with the help of district administration over 200 booths had been captured by the polling agents and workers of Congress (I) with the help of police and polling staff who were members of the Irrigation department headed by Sri Vir Bahadur Singh. The contention of the learned counsel for the respondent is that the allegations are absolutely vague because except the name of Sri Malhotra, Returning Officer details of the Official machinery of polling staff or police personnel have been given, that the details of the polling booths which were said to have been captured were not given and, therefore, the respondent is not in a position to make an effective reply to the pleading.

Section 123 (2) of the Act describes 'undue influence' as any direct or indirect interference or attempts to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right. It was necessary for the petitioners to indicate whether the undue influence was exercised by the respondent himself or by his agent and, if so, the name of the agent or by any other persons with the consent of the respondent or his election agent. The name of such person also was expected to be indicated. In the pleading the petitioner

has not said that the so-called threats were made by the respondent or his agent or by any person with their consent. Although it was said that Sri Vir Bahadur Singh had been appointed as a counting agent of the respondent, it was not specifically stated that Sri Vir Bahadur Singh had threatened the Returning Officer, Sri Malhotra, who is the only person specifically named for the purpose. In the case of R. S. Yadava v. Thakur Muneshwar Nath Singh had threatened the Returning Officer, Sri Malhotra election petitioner must prove that undue influence proceeded either from the candidate himself or through his agent or any other person "either with his consent or with the consent of his election agent". In my opinion the petitioner's pleadings do not satisfy the requirements of law incorporating material facts under Section 83 (1) (a) of the Act of the alleged corrupt practice of undue influence and, therefore, does not disclose a cause of action on that court.

In Para 4 (VII) & (VIII) of the election petition it was alleged that in view of a large number of booths being captured, thousands of voters could not exercise their franchise. Complaints thereof had been sent by telegrams to the various authorities, apart from complaints filed by agents of 2 independent candidates. It was proposed in the petition to file copies of the complaints and the telegrams as Exts. J & K, but that was not done and the petitioner has applied for amendment of the election petition to strike out the averment that he would file those papers. It was also alleged that ballot boxes were found lying under a bridge, a report of which was made to the Returning Officer. Mere again, copy of the report was proposed to be filed as Ext. I, but amendment was applied for to strike out that proposal also.

It appears to me that these pleadings are absolutely vague and embarrassing for the respondent because the particulars of the booths, which are said to have been captured, their places or the number of the ballot boxes which were found under some bridge have not been indicated. The respondent is clearly at a loss to understand what to do with such a pleading. As already discussed above, this kind of pleading is embarrassing and vague and cannot be permitted to stand. The prayer of amendment to delete the proposal to file the copies of these documents is allowed, as they do not materially affect the pleadings as they stand.

In Para 4 (IX, X, XI) of the election petition, allegations of wrong counting of votes were set out. It was alleged that a large number of ballot boxes were found to have no seals and contained bundles of ballot papers with their counter-seals intact, that a large number of counting agents of Rashtriya Sanjiv Manch were not given forms for entry to the counting area by the Returning Officer and that a number of ballot papers, which did not have the signatures of Presiding Officers had been taken into consideration. No single material fact in support of these allegations has been set out. The pleading is supposed to rest on violation of the provisions of the Act under Section 100 (1) (d) (iv), but it has not been pleaded in what manner and which provisions of the Act have been violated. In my opinion the pleading is clearly in violation of the principles laid down by the Supreme Court in the cases of Titendra Bahadur Singh v. Krishna Behari (1970 S.C. 176), Pari Sewak Yadav vs. Hussain Kamil Kidwai and others (A.I.R. 1964 S.C. 1249) and Hari Ram v. Hira Singh (1984) 2 S.C. Cases 36. The pleading in these sub-paras is not in accordance with law and deserves to be struck out.

In Para 4 (XII) it was alleged that the deployment of the Polling Officers was not done in accordance with Section 26 of the Act by the Election Officer but was done by the Returning Officer at the behest of Sri Vir Bahadur Singh and Sri Sanjay Singh and that a large number of Polling Officer belonged to Class IV employees and were not even qualified to be the Presiding Officer. List of those officials was initially proposed to be filed subsequent to the filing of the election petition, but even that was not done and an application for amendment has been moved to delete even that proposal. It appears to me that in the absence of the particulars of the so-called employees, the material facts regarding the qualifications of the concerned persons have not been set out and the pleading cannot be

considered. The amendment prayed for relates to a 'material fact' and cannot be allowed at this stage.

In para 4 (XIII) of the election petition reference is made to the publication of a book entitled "Son of India" written by Sri Mohd. Yunus in June 1983. It was alleged that this book was written, printed and published with the knowledge, consent and assistance of the respondent, and that the respondent himself, by his party, his workers and through other persons acting with his consent and/or his election agent distributed the book in Amethi constituency during the entire course of the election campaign. It was alleged that the book contained statements which were false and to the knowledge of the respondent were believed to be false and related to the personal character and conduct of Smt. Maneka Gandhi and reasonably calculated to prejudice the prospects of "the petitioner's election." This was alleged to constitute a corrupt practice under Section 123(4) of the Act. The petitioner said that a copy of the book "Son of India" would be filed as Ex. P. in due course. The book has not been filed and now an amendment has been prayed for to delete the proposal for filing the book.

Some statement purporting to be contained in the book have been set out in paras (a) to (h). Some of these statements undoubtedly relate to the personal character and conduct of Smt. Maneka Gandhi.

The contention of learned counsel for the respondent is that the publication of the book by Mohd. Yunus in June 1983 is not at all relevant fact in connection with the elections held in December 1984. It is next urged that the allegation regarding distribution of the book in the constituency, during the election campaign is vague because the petitioner has not specified the particular persons through whom and the place where and the dates when the book was distributed.

In the case of *Raghuvir v. Raghubir Singh Kushwaha* (A.I.R. 1970 S. C. 442) the publication of the material containing character assassination was done by the election agent before he was appointed as election agent. The Supreme Court held that such publication could not invalidate the election unless it was proved that the respondent had consented to the publication. In the case of *Manmohan Vs. Yash & others* (1984) 3 S.C. Cases 499 false allegations regarding character and conduct of the candidate had been made in 1978, while the election was held in 1980. Relying upon the decision in the case of *M. Nirmala Devi v. K. Madhusudan Reddy* (1976) 4 S.C. Cases 385 (where the allegations made in 1970 were considered in respect of elections held in 1972) it was held that the alleged statements were far too remote and could not be sustained, because at that time nobody could have predicated that the elections would be held only two years later. The Supreme Court observed that it was not even necessary "to consider or go into evidence offered by the appellant as far as 1978 incident is concerned. "I should think, therefore, that the publication of the book in June 1983 by Mohd. Yunus was not a relevant fact for the purposes of elections held in December 1984. Since the contents of the book have been reproduced, the amendment to delete the proposal for filing the book is allowed because the book is only evidence and not an integral part of the petition.

So far as the allegation regarding distribution of the book in the Amethi constituency is concerned, the pleading seems to be hit by the case of *Raghuvir Singh* (Supra) inasmuch as the allegations do not specify as to which person distributed the book, at which places and on what date and consequently the allegation is quite vague.

In this connection learned counsel for the respondent has also referred to the averment that the said statement "were reasonably calculated to prejudice the prospects of the petitioner's election." Similarly, he refers to statement (b) contained in the paragraph wherein an observation is made that "the insinuation is that the petitioner is possessed of wealth corruptly made....." The contention is that these averments would apply to Smt. Maneka Gandhi personally as if she was the petitioner and not to Ch. Azhar Hussain the present petitioner. Ch. Azhar Hussain was not contesting the election, he was only a voter. The state-

ment that the petitioner's election were calculated to be prejudiced or that 'the petitioner was possessed of wealth corruptly made' was wholly inapplicable to the petitioner, Ch. Azhar Hussain and could certainly apply to Smt. Maneka Gandhi. It is, therefore, urged that this pleading is not made by the petitioner himself and therefore, cannot be looked into. Realising the error the petitioner has applied for amendment of the petition to mention that the statements were calculated to prejudice the leader of the petitioner's political party and that regarding possession of wealth, it related to the leader of the petitioner's political party, namely, Smt. Maneka Gandhi. It appears to me that, as pointed out by the learned counsel for the respondent, the proposed amendment changes the entire nature of the pleading in this paragraph and is not merely a clerical mistake. It is an indication of the fact that the pleading has been made without an application of mind and it seems to me that it is hit by one of the principles set forth in Section 86 (5) of the Act for which an amendment must not be allowed. I am not satisfied that the proposed amendment could justly be allowed and, therefore, must fail. On a consideration of all the matters, I would hold that the pleading in this paragraph is not sustainable, suffers from lack of material facts as a result of the non-application of mind of the petitioner himself and is irrelevant.

In Para 4 (XIV) of the election petition the publication of a booklet entitled "Rajiv Kyon", written by one Jagdish Piyush and bearing photograph of the respondent on the cover page is alleged to have been distributed in lakhs "by the respondent, his election agent and a large number of other person with the consent of the respondent and/or his election agent." The extract from page 3 of that booklet has been reproduced in the paragraph where some of the allegation are undoubtedly regarding the personal character and conduct of Smt. Maneka Gandhi. For example :—

"Amethi cannot permit the widow of Sanjay Gandhi to be in the company of the country's loafers, because, no family of India can permit its daughter or daughter-in-law and the widow of its loved one to go about behaving like a vagabond..... Having kicked her family, she is now doing her dirty deals..... She has exploited the persons of her innocent child for political purpose.

For power and pleasure, Maneka can do anything." While undoubtedly these allegations relate to the personal character and conduct of Smt. Maneka Gandhi, the elements of law required by Section 123(4) of the Act have not been specifically set out. As already held, it was the duty of the petitioner to make his choice of the particular person with whose consent the statement was made or distributed. According to the petitioner himself it was not made by the respondent but by one Jagdish Piyush. The petitioner instead of pinpointing the particular person who distributed the booklet or with whose consent it was distributed made a broad and vague statement that it was done by the respondent his election agent, a large number of other persons with his consent and/or with the consent of his election agent. The date, time and place of distribution, the names of the agents or persons who distributed it have not been indicated and, therefore, the pleading is vague and cannot be sustained.

Para 4 (XV) of the election petition suffers from the same infirmity as Para 4 (XIV) referred to above. In this paragraph the publication of a pamphlet entitled "How Do Intelligent People Think ? Who is an obstacle in the progress of Amethi ?" The allegation is that through the agency of a Committee "Amethi Matdata Parishad", created by the respondent's party, the respondent, his election agent and others with their "consent and knowledge caused another pamphlet to be printed, published and circulated during the entire election campaign." The petitioner has set out specific statements from this pamphlet commenting adversely on the character and conduct of Smt. Maneka Gandhi where, inter alia, her association with terrorists and other persons of questionable antecedents was set out. It has been stated that these statements are false to the knowledge of the respondent and others and the pamphlet was distributed by the agent of the respondent in the interest of the election of the respondent and that the result, so far as the respondent is concerned, has been materially affected by the corrupt practice. Here also, the petitioner

has made an omnibus statement of the printing, publication and circulation of the pamphlet by the respondent, his election agent and others with their consent and knowledge without trying to pinpoint the particular person who had done so. The places, dates where the pamphlets were distributed have also not been indicated. It was necessary for the petitioner to do so under the law as set out above. The pleading is, therefore, vague, embarrassing and lacks in material facts and, therefore, must fail. The petitioner's prayer for an amendment to delete the proposal to file a copy of the pamphlet is allowed as it is evidence and not integral part of the petition.

In Para 4 (XVI) of the election petition the petitioner stated that the respondent had "in some of his speeches alleged that the said Maneka Gandhi was all the time surrounded only by people whose names figured in the list of criminals of all the Police Station." Learned counsel for the respondent correctly points out that it is absolutely a vague statement. The actual words used in the alleged speeches the dates and places where the speeches were made have not been set out. As far back as in the case Samant N. Balakrishna etc. v. George Fernandez and others (A.I.R. 1969 S.C. 1201) and Nihal Singh V. Rao Birendra Singh (Supra) it has been held that the actual statement, the date, time and place of the making of the speech must be set out in the absence of which the allegation is vague. The pleading, therefore, is unsustainable.

Para 4 (XVII) is only a sort of synopsis of what has been stated in the earlier paragraphs and it was set out that "the actions aforesaid was a threat of injury to electors and interfered with the free exercise of the electoral rights to the said elections." No further comment need in this respect because each one of the allegations, set out in the election petition, has been considered and discussed separately and in detail above.

The result of the above discussion is that the pleadings contained in the election petitions are hit by the mischief of Order 6 rule 16 C.P.C.; they have been found, separately, to be frivolous, vexatious, unnecessary and embarrassing; some of them have been found to contain no cause of action at all as failing to set out the material facts contemplated by Section 83(1) (a) of the Act. The inevitable consequence is that all the pleadings, contained in Paragraphs Nos. 4(I) to (XVII) must be struck out. The petitioner thereupon would cease to disclose any cause of action whatsoever. The partial amendments, which are capable of being allowed, as already indicated, do not improve upon the ultimate nature of the pleadings. The effect of non-disclosure of a cause of action would not merely be a rejection of the petition under Order 7 rule 11 C.P.C. read with Section 87 (1) of the Act, but a dismissal of the petition itself on merits under Section 98 of the Act. In the case of Madan Lal v. Zargham Haider and others (A.I.R. 1958 Allahabad 596) a Division Bench of this Court held that after striking out of the pleadings in the election petition, the petition itself is liable to be dismissed on the ground that it did not disclose any cause of action and the dismissal would be on merits under section 98 of the Act. In the case of Harish Chandra Bajpai v. Trilok Singh and another (1951 S.C. 444) it has been held that the

expression "trial" is used as meaning the entire proceeding before the tribunal from the time when the petition is transferred to the election Tribunal under Section 86 (old) until pronouncement of the award. When the petition does not contain a cause of action, there is nothing more in the case to be done and the case arrives "at the conclusion of the trial" within the meaning of Section 98 of the Act. In the case of Hardwari Lal v. Kanwar Singh (1972 S.C. 515) (Para 23) it has been pointed out that since an election petition has to be tried as nearly as may be in accordance with Code of Civil Procedure, in view of section 87 of the Act, it is liable to be dismissed like a suit which does not furnish a cause of action. This election petition, therefore, must be dismissed. Before parting with the case, I am to mention that learned counsel for the petitioner had submitted written arguments to supplement the oral submissions. The same had been placed on record and all the material points, contained therein, have already been discussed. It is not necessary to set out each and every ruling referred to in the written arguments; all the leading decisions of the Supreme Court on the relevant questions have been considered and discussed. Reference may only be made to decision dated 13-3-1985 in the case of N. Horangse v. M. Tsubongse (1985) 1 S.C.C. 417, a photostat copy whereof has been filed to show that the question whether allegations in the petition are vague or not, can be decided only on evidence. The case related to the actual presentation of gifts to the village people as an act of corrupt practice to induce the doness to cast their votes. The case went on evidence and the Supreme Court, on examination of the evidence, found that the evidence in support of the corrupt practice was wholly insufficient and unacceptable. The Supreme Court has not said that the question of vagueness of pleadings could not be examined at any stage prior to the evidence in the case. On the contrary, the provisions of Order 6 rule 16 C.P.C. clearly say that the pleadings may be struck out 'at any stage', which obviously includes the preliminary stage. It is noticeable that while in the case, relied upon by the learned counsel for the petitioner, specific allegations of presentation of four red waist coats to particular persons had been made, in the present petition there is absolutely no allegation of any particular gift or promise having been made to any particular person. The decision, therefore, is of no help to the petitioner.

Petitioner's C.M. An. No. 26(E) of 1985 for filing a new affidavit is allowed, but the C.M. An. Nos. 25(E) and 30(F) of 1985 are partly allowed and partly rejected as indicated in the body of this order.

The respondent's C.M. An. No. 14(E) of 1985, under Order rule 16 C.P.C., is allowed and the petitioner's objections C.M. An. Nos 21(E) of 1985 and 32(F) of 1985, against the same, are dismissed.

The petitioner's C.M. An. No. 27(E) of 1985 is dismissed as infructuous.

The election petition is dismissed with costs.

Sd. KAMLESHWAR NATH
May 6, 1985.

नई दिल्ली, 9 जिन्नवर, 1985

आदेश

आ०अ० 77:—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट सोक सभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन नहीं बाला अस्थर्थी लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा उक्त सारणी के स्तम्भ (5) में यथा उपदर्शित रूप में अपने निर्वाचन व्यर्थों का लेखा दाखिल करते में असफल रहा है।

और उक्त अस्थर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यायोचित्य नहीं है।

अतः अब निर्वाचन आयोग उक्त अधिनियम की धारा 10क के अनुसार में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्ति की मासद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की नागरिक से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है:—

सारणी

क्रम सं०	निर्वाचन की विधिप्रिया	लोक सभा निर्वाचन क्षेत्र की संख्या और नाम	निर्वाचन लड़ने वाले अधिकारी का नाम और पता	निरहृता का कारण
1	2	3	4	5
1.	लोक सभा का साधारण निर्वाचन	2—अलीपुरदुर्ग, रस (अ०ज०जा०)	श्री संजय कुमार औरन गांव पश्चिम कायालबाड़ी डा० शिहरीहट, जिला जलपाईगुड़ी श्रीमति अमिना बासु, 7/1, बाबुताला मार्ग, कलकत्ता-74	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया।
2.	लोक सभा का साधारण निर्वाचन	8—जंगीपुर	श्री सिंहर कुमार प्रसाद, शिखिक गांव कुली चौरास्ता, डा० कुलीकड़ी, जिला मुशिदाबाद	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया।
3.	लोक सभा का साधारण निर्वाचन	8—जंगीपुर	श्री नुशार कान्ति धोष, गांव काचुरहुल्ला, डा० राधाखान, पा०ग०स० मारीरा, जिला 24-परगाना	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया।
4.	लोक सभा का साधारण निर्वाचन	14—बसीरहाट	श्री नुशार कान्ति धोष, गांव काचुरहुल्ला, डा० राधाखान, पा०ग०स० मारीरा, जिला 24-परगाना	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया।

[मं० 76—पं० च०/85]

New Delhi, the 9th September, 1985

ORDERS

O.N. 77.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People as specified in column (5) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses within the time and in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidates have either not furnished any reason or explanation for the said failure even after due notice of the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (2) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

TABLE

S.No.	Particulars of election	S.No. & Name of Parliamentary Constituency	Name of the contesting candidate and address	Reason for disquali- fication.
1	2	3	4	5
1.	General Election to the House of the People	2—Alipurduar (S.T)	Shri Sanjay Kumar Oran, Vill. Paschim, Kathalbari, P.O. Shiharihat, Dist. Jalpaiguri.	Failed to lodge any account
2.	General Election to the House of the People.	8—Jangipur	Smt. Amina Basu, 7/1, Babutala Road, Calcutta-74.	Failure to lodge any account.

1	2	3	4	5
3. General Election to the House of the People.	8-Jangipur	Shri Sisir Kumar Pramanik, Village Kuli, Chourasati, P.O. Kuli Kandi, Dist. Murshidabad.	Failure to lodge account in the manner required by law.	
4. General Election to the House of the People.	14-Basirhat	Shri Tushar Kanti Ghosh, Village Kachurhula, P.O. Raikhan, P.S. Marora, Dist. 24-Parganas.	Failure to lodge any account.	

[No. 76/WB/85]

आ०अ० 73—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट विधान सभा के संधारण निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन शेष से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा उक्त सारणी के स्तम्भ (5) में यथा उपदेशित रूप में अपने निर्वाचन व्यर्थों का लेखा दाखिल करने में असकल रहा है।

और, उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असकलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा आयोग का यह समाधान हो गया है कि उनके पास उक्त असकलता के लिए कोई पर्याप्त कारण या त्वायोचित नहीं है।

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10के अनुमत्रण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्ति की संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की सारीख में नीन बर्य की कालाबधि के लिए निर्धारित घोषित करता है:—

सारणी

क्रम सं०	निर्वाचन को विधिषिट्यां	विधान सभा निर्वाचन ध्वेष का मर्यादा का नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहंता का कारण
1	2	3	4	5
1.	विधान सभा के लिए उप निर्वाचन।	65-कड़ी	श्री माधव हलवर, 42, जेलपारा नेन, डा० खागरा, जिला मुर्शिदाबाद	निर्वाचन व्यर्थों का कोई भी लेखा दाखिल नहीं किया।
2.	विधान सभा के लिए उपनिर्वाचन	158-बुरटोला	श्री मदत शाह, 172-बिपिन बिहारी गांगुली स्ट्रीट, कलकत्ता-12	निर्वाचन व्यर्थों का कोई भी लेखा दाखिल नहीं किया।
3.	विधान सभा के लिए उपनिर्वाचन	158-बुरटोला	श्री शिवकुमार आर्य, 15/1, बलाई सिंह अनेन, कलकत्ता-9	निर्वाचन व्यर्थों का कोई भी लेखा दाखिल नहीं किया।
4.	विधान सभा के लिए उपनिर्वाचन	158-बुरटोला	श्री शामलाल हलधर, 17, विधान सरोनी, कलकत्ता-6	निर्वाचन व्यर्थों का कोई भी लेखा दाखिल नहीं किया।

[सं० 76/प०ब०/85]

O.N. 78.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses within the time and in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder:

And whereas the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering

the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (2) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

TABLE

S.No.	Particulars of election	S.No. & Name of Assembly Constituency	Name of the contesting candidate and address	Reason for disqualification
1	2	3	4	5
1.	Bye-election to Legislative Assembly	65—Kandi	Shri Madhab Haldhar, 42, Jelepara Lane, P.O. Khagra, Dist. Murshidabad.	Failed to lodge any account.
2.	Bye-election to Legislative Assembly	158—Burtola	Shri Madan Shaw, 172, Bepin Behari Ganguli Street, Calcutta-12.	Failed to lodge any account.
3.	Bye-election to Legislative Assembly	158—Burtola	Shri Shub Kumar Arya, 15/1, Balai Singha Lane, Calcutta-9.	Failed to lodge any account.
4.	Bye-election to Legislative Assembly	158—Burtola	Shri Shyamal Haldhar, 17, Bidhan Sarani, Calcutta-6.	Failed to lodge any account.

[No. 76/WB/85]

अ.० अ० 79.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट लोक सभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र में हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा नदीयन बनाए गए नियमों द्वारा उक्त सारणी के स्तम्भ (5) में यथा उपदर्शित रूप में अपने निर्वाचन व्यर्थों का लेखा दाखिल करने में असफल रहा है।

और उक्त अभ्यर्थियों ने सम्पूर्ण सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यायोमिक नहीं है।

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तिकों संसद के किसी भी सदन के या किसी विधान सभा अथवा विधान परिषद के सदस्य नुस्खे जाने और होने के लिए इस आदेश की तारीख से नीन वर्ष की कालावधि के लिए निरहित घोषित करता है:—

सारणी

क्रम	निर्वाचन की विशिष्टियां	लोक सभा निर्वाचन क्षेत्र की संख्या और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहेता का कारण
मं०	2	3	4	5
1	लोक सभा का साधारण निर्वाचन	18—देवगढ़	श्री प्रबोध कुमार कुमुर गांव बारंगाडिया, डा० कलमग, जिला सम्बलपुर।	विधि द्वारा अपेक्षित निर्वाचन व्यर्थों का लेखा दाखिल नहीं किया।
2.	लोक सभा का साधारण निर्वाचन	18—देवगढ़	श्री चंतन्य शास्त्रा, गांव/डा० रिमाडा, जिला सम्बलपुर।	विधि द्वारा अपेक्षित निर्वाचन व्यर्थों का लेखा दाखिल नहीं किया।
3.	लोक सभा का साधारण निर्वाचन	19—धेन्कानल	श्री मिल प्रधान, गांव/डा० कटाना, जिला धेन्कानल।	निर्वाचन व्यर्थों का कोई भी लेखा दाखिल नहीं किया।

[मं० 76/उडीसा/85]

आदेश में,

टी०डी० गृष्णा, अवर मच्चिक

O. N. 79 Whereas the Election Commission is satisfied that each of the contesting candidate specified in column (4) of the Table below at the election to the House of the People as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses within the time and in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidates have either not furnished any reason or explanation for the said failure even after due notice of the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (2) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a state for a period of 3 years from the date of this order.

TABLE

S.No.	Particulars of election	S.No. & Name of the Parliamentary Constituency	Name of the contesting candidate and address	Reason for disqualification.
1	2	3	4	5
1.	General Election to the House of the People.	18-Deogarh	Shri Prabodh Kumar Kujur, At Barogadia, P.O. Talsar, Dist. Sambalpur.	Failed to lodge account in the manner required by law.
2.	General Election to the House of the People.	18-Deogarh	Shri Chaitanya Kanta, At/ P.O. Ramada, Dist. Sambalpur.	Failed to lodge account in the manner required by law.
3.	General Election to the House of the People.	19-Dhenkanal	Shri Milu Pradhan, At/P.O. Kadala, Dist. Dhenkanal.	Failed to lodge any account.

[No. 76/OR/85]

By order

T.D. GUPTA, Under Secy.